

# VILLAGE OF ALDEN PLANNING BOARD

13336 Broadway  
Alden, NY 14004-1394

## APPROVED MINUTES OF THE MEETING ON January 17, 2018

Members Present: Chairman David Metz, Dick Kegler, Esther Kibbe, Susan DeWitt, Mark Casell, Mayor Manicki and CEO Czechowski.

Absent: Paul Werner and Doug Henry,

Chairman Metz brought the meeting to order at 7:30 PM. Chairman Metz entertained a motion to accept the November 2017 meeting minutes.

Motion was made by Mark Casell and seconded by Sue DeWitt. All were in favor and the motion was so moved and carried out.

### New Business:

None

### Old Business:

**Birch Creek Run Development – SBL#108.18-2-3**, received county approval, construction underway. Still working on street lighting issue.

**Kotas & Kotas -1480 Exchange St. SBL#108.19-4-15 and 1472 Exchange-** need to complete an updated survey and then can work on the deed restriction agreement with the adjoining properties.

**Metz property – 101.5 acres on Exchange St. SBL#119.07-4-31-** This property has been sold, but the purchaser has not approached the Planning Board again at this point. Need to keep the Master Plan in mind when reviewing any submissions for this quadrant of the village. Need to review wet lands.

**Master Plan** – needs to be updated, as it should be done every 2 years.

**Walter Schmidt 53 acres on Broadway behind Tops Market SBL#119.06-2-1.111**, due to wetlands, appears only 20 acres can be developed, limiting options. Does not appear Slade Dr. can be connected to Exchange St.

**Kraus Brothers (New to You Consignment) 13394 Broadway. SBL#108.20-8-20.1**temporary C of O issued.

Code Revisions continued from Nov. 2017 meeting:

## PROPOSED CODE REVISIONS

### Cluster Development/PUD/Patio Homes

### Updated 1/19/18

**NOTE: Deletions shown with ~~strikeouts~~, additions shown with underlines.**

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**NOTE: Section 201-26, Condominiums and cooperatives, will be deleted as part of this revision. The following definition of A Patio Home will be deleted from the Definition Section of Chapter 210, Zoning:**

~~PATIO HOME—A detached single-family home that is a single story measuring Between 1,200 square feet and 2,400 square feet in gross area (not to include garages, breezeways or enclosed patios). Each home shall have two or three bedrooms and must be located on a lot that is in common ownership of other patio homes on the same parcel of land. A patio home must maintain a minimum front yard setback of 20 feet measured from the front of the structure to the edge of the street or access drive pavement, a minimum rear yard setback of 10 feet, and a minimum side yard setback of 7 feet.~~

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## **§ 210-25. Planned unit development.**

### **A. Intent.**

- (1) The intent of the planned unit development (hereafter referred to as "PUD") is to:
  - (a) Promote greater flexibility and consequently more creative and imaginative design for the development of residential areas than is generally possible under conventional residential zoning districts.
  - (b) Meet the growing demand for housing by greater variety in type, design and setting of dwellings.
  - (c) Encourage conservation and more efficient use of land in such developments and maintenance of high environmental quality throughout the development.
  - (d) Encourage the most skillful planning of parts of the community in accordance with the objectives of the Comprehensive Plan.
  - (e) Provide for the utilization of planning criteria in the arrangements of buildings related to common open space.
  - (f) Utilize topography and other site features to best advantage to obtain creative and coordinated designs.
  - (g) Expand the scope of land planning and development beyond a concept of homogeneous use within formally defined districts and beyond a concept of individual lots and structures thereon by the planning and development of larger areas with groups of structures erected thereon to create a diversified and coordinated entity.
- (2) The planned unit development may transcend district boundaries and thereby permit a nonconforming development within more than one district.

### **B. Purpose. The purpose of the PUD is to provide for:**

- (1) Conservation of land, permitting more usable open space for recreation, community activities and the preservation of unique features.
- (2) The more economical development of land with lower installation and maintenance costs of streets and utilities.
- (3) Safer accommodations for both pedestrian and vehicular traffic.
- (4) An increase in privacy and to create a stronger sense of community.
- (5) A desirable alternative to strip development.

### **C. Objectives. In order to carry out the intent of this section, a PUD shall achieve the following objectives:**

- (1) A varied choice in the types of environment, occupancy, tenure, types and costs of housing, lot sizes and community facilities available to existing and potential village residents.
- (2) A more efficient and economical arrangement of land uses, buildings, circulation systems and

utilities, resulting in smaller networks of utilities and streets and lessened burden of traffic on streets and highways, thereby lowering utility and maintenance costs borne by new development.

- (1) Convenience in location of commercial and community service areas.
- (4) Sufficient civic and community facilities, carefully integrated with adjoining areas.
- (5) Extensive usable open space and recreation areas, appropriate in terms of location, size and suitability for intended function.
- (6) The comprehensive design of stormwater retention and proper drainage systems.
- (7) Guidance and control of development in flood hazard areas so that life and property within and abutting such areas are protected.
- (8) Increased safety for all modes of travel, including pedestrian and bicycle.
- (9) Preservation, to the greatest extent possible, of such features as trees or outstanding or unique natural topography, including marshlands and other geological features.
- (10) Utilization to the best advantage of trees and soil characteristics to prevent soil erosion and to create and preserve natural and man-made features which will give increased environmental quality, encourage uses which will maintain high environmental quality and provide an attractive community design. These may include natural woodlands, grassland, marshlands and lakes.
- (11) A creative use of land and related physical development which allows an orderly transition of land from rural to urban uses.
- (12) An appropriate balancing or accommodation of the effect of major public or private development elsewhere in the village or its vicinity.
- (13) Provision for the orderly updating of long-term, large-scale development plans to reflect changing circumstances within an overall village-approved planning framework.
- (14) A more desirable environment than would be possible through the strict application of other sections of this chapter.

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#### DESIGN STANDARDS:

The following regulations shall apply in a PUD:

A. Permitted principal uses.

- (1) Single-family dwellings installed on a full-height basement foundation.
- (2) Church or similar place of worship, parish house, convent, rectory or parsonage.
- (3) Community, activity, or recreation facility.

B. Permitted accessory uses.

(1) Detached storage buildings as follows:

(a) A maximum of one (1) accessory structure per dwelling per lot.

(b) One (1) story, not to exceed fifteen (15) feet in height.

(c) A maximum of one-hundred fifty (150) square feet in area.

(2) Private family swimming pools.

(3) A home occupation, provided a permit is secured therefor. This shall not include retail sales on the premises. See § 210-29 for regulations.

C. Lots: minimum requirements.

(1) Depth. ~~Area.~~

(a) A minimum of eighty (80) feet deep. ~~Fifteen thousand (15,000) square feet for an interior lot.???~~

(b) ~~Sixteen thousand five hundred (16,500) square feet for a corner lot.???~~

(2) Width.

(a) A minimum of sixty (60) feet wide. ~~One hundred (100) feet and one hundred fifty (150) feet deep for an interior lot.???~~

(b) ~~One hundred ten (110) feet and one hundred fifty feet (150) feet deep for a corner lot.???~~

D. Yards: minimum requirements. See § 210-27 for exceptions.

(1) Front: A minimum of twenty-five (25) feet and a maximum of thirty (30) feet from edge of the right-of-way or street limits.

(2) Side: Six (6) feet each for a one-story dwelling.

(3) ~~Rear: Equal to twenty-five percent (25%) of lot depth, but need not exceed fifty (50) feet.???~~

(4) Accessory Structures: Must be located only in rear yards, and must be a minimum of three (3) feet from property lines and five (5) feet from dwellings, ~~and may not be located in any front yard.~~

E. Buildings. See § 210-27 for exceptions.

(1) Maximum height.

(a) One story, not to exceed twenty-five (25) feet.

(2) Minimum floor area of dwelling, not to include garages, breezeways or enclosed patios, shall be one-thousand (1,000) square feet.

(a) ~~One thousand four hundred (1,400) square feet at ground floor level for a one-story dwelling.~~

- (3) Maximum floor area of dwelling, not to include garages, breezeways or enclosed patios, shall be one-thousand eight-hundred (1,800) square feet.

~~(a) One thousand four hundred (1,400) \_\_\_\_\_ square feet at ground floor level for a one-story dwelling.?????~~

- (4) A maximum of two (2) bedrooms per dwelling unit.

F. Parking.

- (1) A minimum of two (2) off-street parking spaces shall be provided for each dwelling.
- (2) Stacking of vehicles shall not be allowed.
- (3) Each parking space must be a minimum ten (10) feet wide by twenty (20) feet long.
- (4) All driveways and parking spaces must be finished in concrete or blacktop.
- (5) No more than thirty-five percent (35%) ~~25%~~ of the provided front yard may be utilized for driveways and parking spaces.

G. Projections into yards. The following regulations shall apply to the following structures allowed within required yards:

- (1) A wall or fence not over three feet (3) feet high in any front or side street yard, provided all walls or fencing is a minimum of five (5) feet from any sidewalk or right-of-way.
- (2) A fence not over six (6) feet high in any other yard.
- (3) A retaining wall of any necessary height.

~~\_\_\_\_\_ (4) \_\_\_\_\_ Balconies, bay windows, chimneys and roof projections not exceeding three (3) feet.~~

H. Fences.

- (1) All fences shall be kept in good and proper working order and the same shall not be allowed to deteriorate or be so designed, erected, placed, maintained or painted so as to constitute a nuisance, obstruction or annoyance to any resident within the Village of Alden. All such fences shall be of one uniform color and shall not be constructed of any scrap or junk materials.
  - (2) All such fences shall be so designed, constructed and placed so as to have all support beams, posts, etc., on the interior of the yard upon which such fence is placed. No such support features or posts shall be so placed as to be in the view of any adjoining land owners unless it is an integral part of the fence design.
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D. Application procedures.

- (1) Initiation of proceedings. Proceedings to create a PUD may be initiated either by the Village Board or by application of the owner, as defined in Subsection D(3)(a)[2] below. Accordingly, the provisions of Subsection D(2), (3)(a) and (3)(b) are applicable only to proceedings initiated

upon application of the owner or owners of the proposed PUD site.

- (2) Preapplication conference. To obtain information, each applicant shall confer with the Planning Board and interested department heads in connection with the preparation of the PUD application. It shall be the responsibility of the Planning Board to contact and invite these department heads to a joint meeting. The applicant shall submit a concept plan showing the proposed location and components of the PUD. Thereafter, the Planning Board shall furnish the applicant with its written comments regarding such conference, including appropriate recommendations and information concerning the procedure and criteria for approval to inform and assist the applicant prior to his or her preparing the components of the PUD application.
- (3) Application for development plan approval. Formal application for a PUD shall be initiated by filing 10 copies of the information enumerated below with the Village Clerk and paying the required fee.<sup>1</sup>

(a) Documents. The following shall be required:

- [1] A legal description of the total site proposed for development and present proposed zoning.
- [2] Evidence that the applicant owns the property to be included in the PUD. The word "own" shall, in addition to its customary meaning, include the right to purchase by contract or option or any other form of firm commitment to the lands.
- [3] The name of the developer of the proposed PUD.
- [4] A land survey of the total site prepared by a land surveyor or professional engineer licensed by the State of New York.
- [5] A statement of how the proposed plan meets the intent and objectives of the PUD. This statement should include a description of the character of the proposed development, the rationale behind the assumptions and choices made by the applicant and a discussion of how the development meets the objectives of the Comprehensive Plan.
- [6] A general statement as to how open space is to be owned and maintained, showing that criteria in § 210-25S(4) are met.
- [7] A statement indicating the approximate date when construction of the PUD can be expected to begin and be completed.
- [8] A statement of the applicant's intentions with regard to the future selling or leasing of the PUD, the improvements to be erected therein or portions thereof, such as land areas, dwelling units, etc.
- [9] A general description of the proposed provision of other community and cultural facilities.
- [10] Quantitative data for the following:
  - [a] The total number and type of dwelling units, ~~indicating distribution by~~

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<sup>1</sup> Editor's Note: See Ch. A220, Fees.

~~dwelling unit type (i.e., single-family detached, single-family attached, apartments).~~

[b] A calculation of residential density in dwelling units per gross acre less the total area to be used exclusively for non-residential ~~commercial or institutional~~ purposes.

[c] The total amount of open space, with a breakdown by general uses proposed.

[d] Estimated future population of school-age children by age level.

[11] Any environmental quality review analysis (SEQRA).

(b) Development plan and supporting maps. The development plan must be to a scale not greater than one inch equals 200 feet, although it need not be to the precision of finished engineering drawings and must show the major details of the PUD and contain the following minimum information, unless waived by the Planning Board as not being applicable:

[1] The existing site conditions, including property lines, contours at five-foot intervals, watercourses, including drainage ditches in the village storm drainage system floodplains areas subject to flooding at one-hundred-year frequency, unique natural features, wetlands, tree cover, soil information and evaluation for the uses proposed.

[2] Proposed land use arrangement and acres by use.

[3] The location and type of all existing structures.

[4] The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semipublic uses, including pathways, drainage ditches and water storage areas.

[5] The existing and proposed vehicular circulation system, showing major points of access to public rights-of-way, including major points of ingress and egress to the development. Notations of proposed ownership, public or private, should be included where appropriate.

[6] The existing and proposed bikeway and pathway circulation system, including its interrelationships with the vehicular circulation system.

[7] The existing and proposed major storm drainage system, to include:

[a] The direction and quantity of flow.

[b] The location of major existing and proposed storm sewers and drainage ways.

[c] A description of stormwater storage and movement features.

[d] Treatment of floodways and drainage ways.

[e] Treatment thereof with the rest of the village.

- [8] The existing and proposed sanitary sewage disposal system serving the development, including its projected load and the effect the load will have on the existing and proposed village disposal system.
- [9] Existing and proposed waterlines and linkages with the village system and the effect the demand therefrom will have on the existing and proposed water supply system.
- [10] Information on land areas for 500 feet beyond the perimeter of the proposed PUD showing the relationships between the proposed development, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
- [11] The proposed treatment of the buffer zone of the PUD.
- [12] Sketches or pictorial representation of typical structures sufficient to relay the basic architectural intent of the proposed improvements, but need not be encumbered with final detail.

E. Planning Board Review/Zoning Board of Appeals Review.

- (1) Upon receipt of a proposed development plan for a PUD, the Village Clerk shall transmit a copy of the plan and accompanying documentation to the Village Engineer, the Superintendent of Public Works, the school district and such other agencies as he or she may deem appropriate for their review, report and recommendation. Such officials and agencies shall each, within 30 days from receiving the development plan and supporting documents, furnish to the Planning Board a report pertinent to their respective jurisdictions.
- (2) The Planning Board shall review the development plan and related documents and evaluate the reports enumerated above. Within 60 days following the submission of the development plan and data to the Planning Board, the Planning Board shall furnish to the Zoning Board of Appeals and the applicant either its finding that the development plan complies with the regulations, standards and criteria prescribed by this chapter or a finding of any failure of such compliance and recommendation that the development plan be approved, disapproved or modified.
- (3) If in any such evaluation the Planning Board finds that any submission requirements, regulations, standards or criteria prescribed by this chapter are inapplicable because of unusual conditions of the planned residential development or the nature and quality of the proposed design, it may recommend to the Village Board that an adjustment in such regulations, standards or criteria be made for the development or a proposed site in the development.
- (4) Upon completion of the Planning Board review and submission of a report, whether favorable or unfavorable, the Zoning Board of Appeals shall review the development plan and related documents and evaluate the reports enumerated above. Within 30 days following the submission of the development plan and data to the Zoning Board of Appeals, the Zoning Board of Appeals shall furnish to the Village Board and applicant either its finding that the development plan complies with the regulations, standards and criteria prescribed by this chapter and regulations or a finding of any failure of such compliance and recommendation that the development plan be approved, disapproved or modified. If in any such evaluation the Zoning Board of Appeals finds that submission requirements, regulations, standards or criteria prescribed by this regulation are inapplicable because of unusual conditions of the planned unit development or the nature and quality of the proposed design, it may recommend to the Village Board that an adjustment in



such regulations, standards or criteria be made for the development or a proposed site in the development.

(5) Favorable report.

- (a) A favorable report shall include a recommendation to the Village Board that a public hearing be held for the purpose of considering the creation of a PUD.
- (b) It shall be based on the following findings which shall be included as part of the report:
  - [1] The proposed development plan meets the intent and objectives of a PUD as expressed in Subsections A and C of this section.
  - [2] The proposed development plan meets all the requirements of Subsection O of this section.
  - [3] There are adequate services and utilities available or proposed to be made available for the construction of the development.
  - [4] The proposed development plan is consistent with the objectives of the Village of Alden's Comprehensive Plan.

(6) Unfavorable report. An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant what changes are necessary in order to receive a favorable report. The applicant may, within 30 days after receiving an unfavorable report, file an application with the Village Clerk for a hearing. The Village Board then shall hold a public hearing for a PUD and shall render a decision within 60 days after the hearing on such application.

F. Village Board action; public hearing and decision. The Village Board shall take action:

- (1) Upon receiving a favorable report from the Planning Board and/or the Zoning Board of Appeals or an application following an unfavorable report as described in Subsection E(6) of this section; or
- (2) At any time following the submission of a proposed development plan meeting the applicable requirements of Subsection C of this section by the Planning Board in the case of proceedings on the Village Board's initiative, the Village Board shall set a date for a public hearing for the purpose of considering the creation of a PUD in accordance with the procedures established under this chapter, the Village Law or other applicable law. The Village Board shall hold a public hearing for a PUD and render a decision within 60 days following the hearing. The published notice of any public hearing scheduled to consider the creation of a PUD shall state that the proposed development plan, with a list of all property ownerships within the district (listed by house number, name of owner, street name and tax number), and a map of the proposed district, showing proposed use classification areas and property lines of all parcels included in district areas, are available for public examination in the office of the Village Clerk prior to the hearing and thereafter until such time as the Village Board shall act to approve or disapprove the creation of the district and shall describe any adjustments in any regulations, standards or criteria of this chapter proposal pursuant to Subsection E(3) hereof.

G. Zoning.

- (1) The determination by the Village Board of whether to create a PUD or adjust any regulation,

standards or criteria of this chapter shall be based on its review of the proposed development plan, the report of the Planning Board and any matters brought forth at the hearing and approval or rejection of a development plan where the Village Board has acted on its own initiative. Such approval shall include the making of the findings specified in Subsection E(4). Upon the creation of a PUD in such a manner, the Zoning Map<sup>2</sup> shall be notated. The Village Board may, in order to protect the public health, safety, welfare and environmental quality of the community, attach to its zoning resolution additional conditions or requirements consistent with the intent and objectives of this section for the applicant to meet. If such additional conditions or requirements are proposed, the applicant shall be given notice, in writing, of such additional conditions or requirements at least 15 days prior to the creation of the PUD, and the Zoning Map shall not be amended until the applicant has filed with the Village Clerk written consent to the development plan, as modified.

- (2) Amending the Zoning Map to indicate a PUD does not constitute recording of a subdivision plat nor authorize the issuance of building permits. Such actions can only be taken after approval of the site plan.

- H. Amendment of development plan. A development plan amendment (other than as provided in Subsection L hereof) may be initiated in the same manner as provided in Subsection E hereof. The application shall be filed with the Village Clerk, accompanied by such supporting material as may be necessary to enable the Planning Board and the Village Board to review the request for amendment except as hereinafter provided. Review of and action upon the request by the Planning Board and the Village Board shall comply with the requirements of Subsections E through G hereof. A public hearing thereon shall only be required if the amendment contemplates a change in the provisions of this section or in the boundaries of the PUD or a change in a use classification of the development plan.
- I. Application for site plan approval. Application for site plan approval shall be to the Planning Board and may include all or a portion of the area included in a PUD. The information required by Subsection I(1) shall be furnished with respect to the entire PUD and shall be submitted at or before the first site plan application. The application shall be accompanied by 10 copies of the following information prepared by a New York State licensed lawyer, engineer, surveyor, architect or landscape architect, as appropriate, and payment of the required fee:<sup>3</sup>

- (1) Information required for entire PUD:
  - (a) A detailed breakdown of total open space by uses and as to how it is to be owned and maintained, showing that the criteria of Subsection P(3) hereof are met.
  - (b) A development schedule indicating when construction of the site(s) can be expected to begin and be completed and showing that the phasing criteria of Subsection M(1) hereof are met.
  - (c) Total land and/or building area to be used for nonresidential purposes by category.
  - (d) A plan or program indicating provisions for management and protection of existing topographic features, soil, water, woodland, wetland, marshland, grassland and wildlife resources.
  - (e) Materials and treatment proposed to be used for the perimeter of the PUD.

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<sup>2</sup> Editor's Note: The Zoning Map is on file in the village offices.

<sup>3</sup> Editor's Note: See Ch. A220, Fees.

- (f) An area map showing the entire PUD and the proposed site area.
- (g) The layout of proposed property and lot lines, including property which is to be offered for dedication or other disposition for public ownership and use with the purpose indicated and property that is proposed to be reserved by deed covenant for common use.
- (h) A tracing overlay showing all soil areas and their stratification and those areas, if any, with moderate to high susceptibility to ponding or flooding and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation and the program to be undertaken to correct potential erosion problems.
- ~~(g)~~(i) A plan of the site area, including the following information:

- [1] The preparation and certification of drawings, documents and information by a qualified professional engineer, architect, planner or surveyor, as appropriate.
- [2] The title of the drawing, name of the development, name of the applicant, name and seal of the person preparing drawing, North point, scale and date, to be included on all drawings.
- [3] Boundary survey.
- [4] Existing topography of the site with a contour interval of not more than two (2) feet.
- [5] The location of all existing watercourses, wooded areas, easements, rights-of-way, roads, railroads, canals, rivers, buildings, structures or any other physical feature directly on the site or beyond the site which would exert any impact on the proposed development.
- [6] Land use information regarding all contiguous and neighboring properties within one thousand (1,000) feet of the proposed development.
- [7] The location of all utilities, including sanitary and storm sewers and water, gas and electric facilities, serving the site.
- [8] The location with setbacks, size and height of proposed buildings and structures, including first floor elevation.
- [9] Preliminary architectural plans for proposed buildings or structures.
- [10] The location and description of any existing or proposed fences or outdoor signs.
- [11] The location of all proposed roads, access drives, pedestrian walks and off-street parking areas.
- [12] A general landscaping plan and planting schedule.
- [13] A plan for grading.
- [14] A plan for exterior lighting. See § 210-31, Artificial Illumination.

- [15] Provisions for water supply, sewage disposal and storm drainage.
- [16] Location of outdoor storage, if any, including dumpster and compactor enclosures.
- [17] The general nature and location of public and private utilities, including maintenance facilities.
- [18] The nature and plans for buffer zones between residential and nonresidential properties and uses, when applicable.
- [19] The sanitary sewer plan showing rim and invert elevations.
- [20] A statement as to the daily estimated sanitary sewer flow.
- [21] Conformance to any approved federal, state and county standards.
- [22] Record of application for and status of all necessary permits from other government bodies.
- [23] An estimated project construction schedule.

~~[1] The title of the drawing, including the name of the development, the name of the applicant and the person who prepared the drawing.~~

~~[2] North point, the scale and the date.~~

~~[3] Topography at one foot contour intervals.~~

~~[4] Boundaries of the proposed site area and its acreage.~~

~~[5] The lines of existing and proposed streets and bicycle or pedestrian ways within, connecting to and immediately adjoining the proposed site and the names of all proposed streets. No street name change shall be made following site plan approval unless approved by the Planning Board.~~

~~[6] The layout of proposed property and lot lines, including property which is to be offered for dedication or other disposition for public ownership and use with the purpose indicated and property that is proposed to be reserved by deed covenant for common use.~~

~~[7] The location, proposed use, floor area and height of all buildings and the location of all parking and service areas with access drives.~~

~~[8] The location and proposed development of all open spaces, including parks, playgrounds and open reservations.~~

~~[9] Existing and proposed wet and dry watercourses and direction of flow.~~

~~[10] The location of all existing or proposed site improvements, including stormwater~~

~~systems, culverts, retaining walls and fences; a description of the method of water supply and sewage disposal and the capacity and location of such facilities; and the location of fire hydrants.~~

~~[11] — The use and proposed use of all adjacent property, including elevations within 25 feet of perimeters.~~

~~[12] — The location, size, materials, color and design of lighting facilities, signs and monuments.~~

~~[13] — A tracing overlay showing all soil areas and their stratification and those areas, if any, with moderate to high susceptibility to ponding or flooding and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation and the program to be undertaken to correct potential erosion problems.~~

~~[14] — Provisions for all stormwater management, including but not limited to location and type of flood proofing measures where needed, retention areas, open stormwater facilities and underground tiled drainage, as well as drainage channels, both proposed and to remain, including data of gradients of the new system relative to existing facilities and a time schedule for the provision of such facilities. This shall include all ditches, swales, ponds and like facilities, including the acre-feet and/or cubic-foot-per-second (cfs) capacity of such facilities, where applicable. Such facilities shall provide, by the combination of storage and/or improved stream flow, completely for the stormwater on the proposed site plan area and shall provide the land or other facilities necessary to permit water movement from adjacent properties supporting calculations for all stormwater runoff and conveyance giving peak flow data. To meet this requirement, such facilities may be augmented by appropriate facilities located outside the development area which are committed to be in service upon the completion of the development described by the site plan.~~

(2) Planting plan.

- (a) A planting plan pursuant to the requirements as set forth by the Planning Board indicating the location of trees and other materials planted and of existing trees and other materials to be preserved or those to be removed and information regarding preservation or creation of unique natural areas, grassland, wetland, marshland and wildlife resources shall be required.
- (b) In cases where the Planning Board finds that, due to the size, topography or location of the PUD, land for a park, playground or other recreational purposes cannot be properly located therein or if, in the opinion of the Board, it is not desirable, the Board may waive the requirement that the plans show land for such purposes.

(3) Public improvement plans. Prior to the granting of a village permit for public improvements, preliminary construction plans and specifications for all public improvements, including construction detail sheets which shall show the following information:

- (a) Preliminary profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets, within 100 feet of the intersection,

shall be shown. A plan of all roadway intersections with finish grade elevations in sufficient detail for evaluating drainage of the permanent area and transition impact to motorists, etc., drawn to a scale of one inch equals 20 feet or larger shall be shown. All elevations must be referenced to establish United States Geologic Survey (USGS) or approved local bench marks where they exist within 1/2 mile of the boundary of the site plan area.

- (b) Preliminary plans and profiles showing the locations and a typical cross section of street pavements, including curbs and gutters, sidewalks, manholes and catch basins; the location of street trees, street lighting standards and street signs; the locations, size and invert elevations of existing and proposed waterlines, sanitary sewers, stormwater drains and fire hydrants; and the location and size of all underground utilities or structures.
- (4) Building plans. Construction drawings in sufficient detail to permit review and approval under the Village Building and Construction Code.<sup>4</sup>
- (5) Covenants. The proposed forms of covenants running with the land, deed restrictions (including those with respect to the use of the common land); covenants, restrictions or easements proposed to be recorded; and covenants proposed for maintenance. All documentation surrounding proposed Homeowner's Associations, including individual tenant agreements, restrictions, requirements and rules/regulations.
- (6) Development schedule. An updated development schedule covering the site plan area. The schedule shall include the improvement of open space, the construction of buildings and structures in the open space and construction of other improvements in the site plan area and the proposed coordination of such activities.

J. Site plan review. Review of the site plan shall be designed to ensure that the detailed planning for a development area is in substantial conformance with the objectives of this section and the development plan and shall be based upon consideration of the following factors:

- (1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structure and traffic control.
- (2) The adequacy and arrangement of pedestrian traffic access, walkway structures and control of intersections with vehicular traffic and pedestrian convenience.
- (3) The location, arrangement, appearances and sufficiency of off-street parking and loading.
- (4) The location, arrangement, size and design of buildings, lighting, signs and monuments.
- (5) The conformance of improvement plans with village specifications and the conformance of building plans to applicable village codes.
- (6) The relation of the various uses to one another and their scale.
- (7) The adequacy of usable space for active and passive recreation.
- (8) The adequacy of existing and proposed facilities for sanitary waste disposal and stormwater storage and disposal, including drainage channels, ponds and water storage in relation to location in the watershed.

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<sup>4</sup> Editor's Note: See Ch. 78, Building Construction and Fire Prevention.

- (9) The adequacy of open space lands for public ownership and use offered for dedication or other disposition to the village or other public entity.
- (10) The adequacy of structures, roadways, utilities and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
- (11) The adequacy of school sites and facilities to serve the PUD.
- (12) The adequacy of other existing public facilities and services to serve projected needs of the PUD.
- (13) The capacity of other proposed public facilities to serve uses located within the appropriate service areas of such facilities.
- (14) The protection of adjacent properties against noise, glare, unsightliness or other objectionable features; and the adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer or weather buffer between adjacent uses and adjoining lands.

K. Planning Board action on site plan application. Within 62 days of the receipt of the application for site plan approval, the Planning Board shall act on it and notify the Village Board and the applicant of its action. In determining its action, the Planning Board shall seek advice and assistance from the Village Attorney with respect to all covenants, restrictions and easements to be recorded and covenants for maintenance; the Village Engineer and Superintendent of Public Works with respect to improvement plans; the Village Building Inspector with respect to building plans; and any other persons or committees.

- (1) If, in its review of the site plan, the Planning Board finds that any regulations, standards or criteria prescribed by this section are inapplicable because of unusual or unforeseen conditions affecting the proposed site plan development or because of the nature or quality of the proposed design, it may recommend to the Village Board that an adjustment be made in such regulations, standards or criteria consistent with the purposes of this section as applied to the proposed site plan development. The Village Board also may recommend and/or approve such adjustments upon its own initiative.
- (2) The Planning Board's report shall state whether or not the site plan is approved and shall include a detailed statement of the basis for any Planning Board determination of noncompliance with any substantive criterion, standard or regulation of this section. In such case, the Planning Board may recommend further study of the site plan after it has been revised or redesigned.
- (3) A copy of such report shall be immediately filed with the Village Clerk and delivered to the applicant following such approval or disapproval of the site plan.
- (4) When the Planning Board disapproves a site plan, it will be sent to the Village Board for final action only on the written request of the applicant.

L. Conformity to Comprehensive Master development Plan.

- (1) It is expected that the site plan will be in conformance with the goals and objectives of the Comprehensive Master development Plan approved by the Village Board. However, if in preparing the site plan it becomes apparent that certain elements of the Comprehensive Master development Plan, as it was approved by the Village Board, were unfeasible and in need of significant modification or have become so since such approval, the applicant may incorporate said modifications in the site plan. The Planning Board shall then determine whether the

modified site plan is in keeping with the intent of this section. The Planning Board, as part of its report referred to in Subsection K hereof above, shall notify the Village Board and the applicant of its recommendation in such regard, stating all of the factors involved and its reasons for recommending approval or disapproval of any such modifications.

- (2) All such site plans shall be both prepared and signed by a New York State licensed professional engineer who shall so verify conformity of the site plan to the Comprehensive Master development Plan.

M. Village Board action.

- (1) Within 62 days of receiving an application, the Village Board shall either approve or disapprove the site plan. The basis for such a decision shall be the conformance of the site plan to the approved or modified development plan, to other applicable village ordinances and to the objectives of the Comprehensive Master plan and this section.
- (2) If the Village Board determines that a site plan does not comply with any substantive criterion, standard or regulation of this section, then the record of such determination shall be delivered to the applicant, including a separate statement setting forth in detail the exact nature of such noncompliance and all factors included in the basis for the Village Board's determination.
- (3) The applicant shall be afforded a reasonable opportunity, on one or more occasions as circumstances require, to appear before the Village Board and/or the Planning Board on reasonable notice to present his or her position concerning compliance of the proposed site plan with the substantive criteria, standards and regulations of this section.
- (4) The Village Board may require the issuance of a performance bond on all or part of any such PUD or make such other requirements as deemed necessary.
- (5) In no event may an applicant commence any Comprehensive Master until such time as final approval is issued.
- (6) In the event that an applicant does not complete any such Comprehensive Master, the Village Board, in its discretion, may, in addition to the retention of the performance bond, require that the applicant return the site to the original condition prior to the commencement of the Comprehensive Master.

N. Other regulations applicable to PUD Districts.

- (1) Comprehensive Master phasing. If the Comprehensive Master is to be implemented in phases, each phase must have adequate provision for access, parking, open space, recreation areas and stormwater management and other public improvements to serve the Comprehensive Master in accordance with the applicable criteria set forth for PUDs in the event that other phases are not constructed. Where the overall Comprehensive Master of an entire PUD site will require more than 24 months to complete, such Comprehensive Master shall be required to be phased. Each phase shall be provided with temporary or permanent transitional features, buffers or protective areas in order to prevent damage to completed phases, to future phases and to adjoining property.
- (2) Subdivision review. Site plan review under the provisions of this chapter shall suffice for Planning Board and Village Board review and approval of subdivisions, subject to the following conditions:
  - (a) The PUD shall be platted as a subdivision; however, if the district is being developed in



stages, it may be platted and filed in corresponding components.

- (b) The applicant shall prepare sets of subdivision plats suitable for filing with the office of the Erie County Clerk in addition to the drawings required above. Subdivision plats shall be approved by the Planning Board prior to certification by the Village Clerk and recording by the Erie County Clerk's office.
- (3) Regulation after initial construction and occupancy. For the purposes of regulating the Comprehensive Master and use of property after completion of initial construction and occupancy, all use changes shall be based upon a special permit granted by the Village Board after receiving a recommendation from the Planning Board.
- (4) Changes in site plan.
  - (a) If, subsequent to the approval of a site plan by the Village Board, the applicant proposes any modification (other than to correct minor or technical omissions or inaccuracies) of the site plan, the procedures set forth in Subsections I and J shall be applicable to such modification, except that the materials submitted to the Planning Board and the Village Board shall relate only to such modification.
  - (b) At any time within 40 days following the initial site plan submission to the Planning Board, the applicant may submit to the Planning Board modifications which do not materially affect the fundamental character of a proposed site plan, and the time periods stated herein shall continue to apply.
- (5) Commencement of construction. No construction or site improvement work may commence until site plan approval has been granted.

O. Permitted uses, criteria, standards and regulations. Uses, criteria, standards and regulations are hereby established with respect to planning of land and the arrangements of buildings and open spaces for those areas which are included in a PUD and which require Comprehensive Master and site plan approval. The application of the criteria, uses, standards and regulations set forth in this subsection are intended to result in the optimum Comprehensive Master and use of land in the village. They are intended to ensure full consideration of every planning element pertinent to the objectives of this section and the community Comprehensive Master plan.

- (1) Minimum area. The minimum area required to qualify for a PUD shall be five (5)~~7~~<sup>7½</sup> contiguous acres of land. This requirement shall not apply to boundary change amendments under Subsection H above. For purposes of this subsection, lands separated by streams or drainage courses, highways, streets or other public rights-of-way shall be deemed contiguous. Boundaries should assume reasonably regular configurations, taking advantage of natural features, public rights-of-way and other clearly defined features as outer perimeters in order to facilitate buffering between the PUD and adjacent areas and in order to minimize the Comprehensive Master obstacles created by sharply irregular boundaries resulting from noncontiguous ownership patterns.
- (2) Maximum area shall be 50 acres.
- (3) Location of planned unit Comprehensive Master. The PUD shall be applicable to any area of the village where the applicant can demonstrate or the Village Board, on its own initiative or upon recommendation of the Planning Board, determines that the characteristics of the proposed site will meet the objectives of this section.

(4) Permitted uses. A PUD designed in accordance with the regulations, standards and design criteria set forth herein and in other applicable provisions of this section may include:

(a) Principal buildings and uses.

- [1] All types of single-family dwellings. In developing a balanced community, the use of a variety of housing types, styles and construction methods shall be deemed most important in keeping with this section.
- [2] Multifamily dwellings.
- [3] ~~Small convenience retail and service facilities, except for automobile drive-in restaurants and office facilities designed to serve the needs of residents of the neighborhood and having no advertising outside the building except identification signs as permitted by this section. Non-residential Commercial~~ uses shall be provided in appropriate relation to the location and concentration of dwelling units to be served thereby. ~~Limited commercial Comprehensive Master designed to be compatible with residential Comprehensive Master may be within a primarily residential building or within a building used for commercial purposes only.~~ Such non-residential commercial facilities shall be allowed as follows:

Area of PUD (acres)	Maximum Gross Floor Area (square feet)
Under 10	None allowed
10 to 20	4,000
20.1 to 30	10,000
30.1 to 40	15,000
40.1 to 50	20,000

- [4] Recreation areas and facilities, except activities producing excessive noise.
- [5] Community facilities as specified in this section, ~~schools, fire and police protection services, cultural and religious facilities and day-care centers.~~

(b) Accessory building uses.

- [1] Private garages and parking areas for the use of guests.
- [2] Gardens, fences, walls, pools and other recreation facilities on private or common land.
- [3] Vehicular, pedestrian and bicycle circulation systems.
- [4] Storage yards and open equipment structures compatible with the above uses and suitably screened, fenced and buffered from adjacent uses in accordance with the performance standards hereof. Storage yards for house trailers, boats and similar equipment and for open-space maintenance equipment are included in this classification.
- [5] Other accessory buildings and uses consistent with the intent, objectives and

criteria of this section.

- (c) Similar main uses. Uses not specifically enumerated above may be permitted by the Village Board if determined to be similar to and compatible with uses permitted hereunder and in accordance with the standards and criteria hereof.
- (5) The overall residential density of a PUD shall not exceed five dwelling units per gross acre less the total area to be used exclusively for commercial or institutional purposes as authorized by this section.
- (6) Dwelling unit distribution. To assure the construction of a variety of housing types within each PUD, single-family dwelling units or single-family attached dwelling units connected by uninhabitable structures shall comprise a minimum of 25% of the total dwelling units of said district.

~~(7) Dwelling unit area. All dwelling units and rooms included therein shall have sufficient floor area to meet the following minimum requirements:~~

~~(a) Single family detached and single family attached dwelling units, connected by uninhabitable structures:~~

~~[1] Under two stories: 1,000 square feet.~~

~~[2] Two stories and over: 1,200 square feet.~~

~~(b) Other single family attached:~~

~~[1] One and two bedroom units: 800 square feet.~~

~~[2] Three bedroom units: 1,000 square feet.~~

~~[3] Multifamily dwelling units:~~

~~[a] One bedroom dwelling units: 650 square feet.~~

~~[b] Two bedroom dwelling units: 850 square feet.~~

~~[c] Three or more bedroom dwelling units: 1,000 square feet.~~

P. Landscape features and building arrangements.

- (1) The design criteria set forth in this subsection are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. Dwellings may be arranged in various groups, courts, sequence or clusters with open spaces organized and related to the dwellings so as to provide privacy and to form a unified composition of buildings and space. Although latitude in design is provided and encouraged, the following design conditions shall, however, be assured in any PUD. Yards, building setback and spacing and building height and shape, landscape features and building arrangement shall be designed in a manner to assure:

- (a) Proper light, air and views for the residents.

- (b) Safety in the accommodating pedestrian and vehicular circulation and vehicular storage

and service.

- (c) Usability of and convenient access to open space by residents of adjacent dwellings without loss of privacy for the residents of such dwellings.
  - (d) Availability of open land for landscaped features, recreation or other private uses.
  - (e) Privacy between adjacent buildings and intersecting wings of buildings, from streets, parking and recreation areas.
  - (f) The creation of a variety of common open spaces and private areas through the planning of landscape features such as walls, fences, hedges and other features.
- (2) Landscaping. Landscaping plans shall meet the following standards:
- (a) Landscaping shall provide privacy and screening between uses, with visual, noise and air quality factors considered.
  - (b) Landscaping shall contribute to prevention of water runoff and erosion problems. Temporary or permanent protection shall be provided during construction to prevent such problems.
  - (c) Landscape treatment for public and private plazas, roads, paths and service and parking areas shall be designed as an integral part of an entire project and shall combine with walks and street surfaces, and such requirements shall be in lieu of any other village requirement for trees in public street rights-of-way.
  - (d) The area covered by impervious surfaces such as buildings and paved areas must be accompanied by planted areas as well as other features to hold or carry stormwater runoff. Outdoor planted or grassed areas within parking lots must be not less than 5% of the total vehicular area in parking lots designed for 10 cars or more and shall be suitably distributed so as to relieve any unsightliness and monotony of parked cars.
  - (e) Landscape materials shall be appropriate to the growing conditions on the site and the village's environment.
  - (f) Natural features such as streams, rock outcrops, escarpments, marshlands, wetlands, topsoil, trees and shrubs, natural contours and outstanding vegetation, topographical and geological features shall be preserved and incorporated in the open space areas and in the landscaping of the Comprehensive Master.
  - (g) Plastic or other types of artificial plantings or vegetation shall not be permitted. Trees shall be planted adjacent to all residential units so as to provide no less than three trees of a minimum two-and-one-half-inch caliper, measured two feet above the ground, per residential unit, including trees previously existent on the site which are preserved. Trees to be planted throughout the district and along the vehicular ways shall include both deciduous and coniferous species in adequate density and design to provide year-round benefit of such plantings.
  - (h) Trees shall be of numerous species as to minimize the impact and spread of disease.
- (3) Aesthetics.

- (a) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained.
- (b) The sides and rear of all buildings shall be designed in such manner as to avoid undue sacrifice of amenity and design values when viewed from side and rear vantage points.
- (c) Screening. Visual and noise screening devices shall be designed and maintained to serve their intended purposes set forth in this subsection. Artificial planting materials shall not be allowed. Landscape screening should be given priority where effective, easily maintained and botanically feasible. Decorative masonry walls in conjunction with berms and plant materials shall be given consideration.

Q. Local circulation system. Both vehicular and pedestrian access shall be provided to each dwelling, school, recreation area and commercial area.

(1) Vehicular circulation.

- (a) The vehicular circulation systems and parking facilities shall also be designed to fully accommodate the automobile with safety and efficiency, without allowing it to dominate and destroy the form of the area, with screening and buffering as may be required to satisfy the environmental standards of this section.
- (b) Dwellings and other buildings shall be served by streets, drives or emergency access ways planned so as to assure access by service and emergency vehicles.
- (c) Driveways and streets shall be connected to collector and arterial streets at locations where traffic can be controlled and operated effectively and safely with minimum interference to the capacity of the arterial and collector streets, bicycle routes and pedestrian ways.
- (d) Streets may be either private or public.
- (e) Standards of design and construction for all streets shall meet applicable village standards unless specifically modified as part of the site plan approval. The right-of-way and pavement widths, locations and designs for private ways, roads and alleys shall conform to the planning and engineering practices as determined by the designee of the Village Board, taking into account the estimated needs of the full proposed Comprehensive Master.
- ~~(f) There shall be provision of safe bicycling routes throughout the district which may be coincident with pedestrian ways, but which shall be separated from the motorized vehicle system wherever feasible.~~

(2) Pedestrian circulation.

- (a) Pedestrian ways shall connect residential areas with other residential areas, community facilities, schools, recreational areas, commercial areas and public transportation.
- (b) The system of pedestrian walks, malls and landscaped spaces shall be of such extent and the elements of such system shall be distributed in location and number so as to assure safety of pedestrians from vehicular traffic and encourage pedestrian travel within such system instead of in vehicular rights-of-way, without restraints imposed by public, private or common ownerships.

- (c) Major pedestrian walks, malls and public transportation loading places where feasible shall be separated from general vehicle circulation.
- (d) Landscaped, paved and comfortably graded pedestrian walks shall be provided, particularly from building entrances to adjacent buildings, play areas, parking areas and streets.
- (e) Sidewalks, pathways and bikeways to be located within a public right-of-way shall meet village standards as to width, location and materials unless specifically modified as a part of the site plan approval.

R. Topography and site appearance. PUDs shall be designed to take maximum advantage of the topography of the land in order to utilize the natural contours, to provide for water storage and control of water runoff, to protect natural drainage courses, to economize in the construction of utilities, to reduce the amount of grading and to maximize the conservation of trees and topsoil. Significant natural features and other characteristics of the site shall be preserved and incorporated as distinctive features of the Comprehensive Master.

S. Open space.

(1) Defined.

(a) "Open space" includes:

- [1] Uncovered and unpaved lands or water areas in public, common or other private ownership, except lots under single-family ownership.
- [2] Lands covered by structures or other improvements may also be deemed to constitute "open space" under the limited conditions specified in this subsection.
- [3] Large areas of land in a natural state.
- [4] Areas for active and passive recreation.
- [5] Parks and large landscaped or wooded areas.
- [6] Drainage, runoff areas and floodplain areas and areas for stormwater storage and protection of water quality.
- [7] Connectors between major open space areas.
- [8] Pedestrian and bicycle circulation systems.
- [9] Areas for preservation of wildlife, woodlands, wetlands and outstanding natural features, including geologic and topographic.
- [10] Areas for public or private recreation, public education and community and cultural facilities, when approved by the Village Board.
- [11] Conservation facilities and areas.

(b) "Open space" does not include areas covered by roads, buildings, parking areas and

driveways, service areas, except for buildings, parts of buildings or parking lots providing natural preservation, recreational or cultural services in conjunction with adjoining open space and school sites.

- (c) As used in this subsection, the term "common open space" shall mean a parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a PUD, privately owned and designed and intended for the use and enjoyment of two or more households residing in the PUD or in specified portions thereof or other users if permitted by the owners of the common open space. Common open space may contain such structures and improvements as are necessary and appropriate for the benefit and enjoyment of persons served by such common open space.
- (2) Such proposed uses must be appropriate to the scale and character of the new district, considering its size, density, expected population, topography and the number and types of dwelling units.
- (3) The use of a piece of open space land for more than one of these open space uses shall be encouraged, yet a balance of such uses shall be maintained such that, for example, all of the open space shall not be buffers along noisy transportation corridors, but shall include areas suitable for quiet respite.
- (4) Area and location.
  - (a) In any PUD, a minimum of 25% of the total land area, less the amount used exclusively for non-residential purposes, must be in open space.
    - [1] At least 70% of this total open space shall be in private ownership open to the public or in public or common ownership.
    - [2] Any part of the total open space, either in a natural state or improved as permitted by and meeting the standards of this section, may be offered for dedication or other disposition, without cost to the village or other public entity, for recreation and other open space uses for use by the public and acceptable to the Village Board and other public entity and to the owner and, if accepted, constitutes a credit to Subsection S(4)(a) above. Offers for dedication or other disposition of major open space for public use may be made at any time after approval of the Comprehensive Master plan.
  - (b) Any public or common open space shall be located and organized to be readily accessible by foot and bicycle to residential populations served thereby (preferably without their having to cross limited access and arterial roadways). In addition, access and parking for vehicles shall be provided where appropriate.
  - (c) The location, condition, size and configuration of the open space must be suitable for its use as contemplated and as proposed in the Comprehensive Master Plan and/or site plan. Lakes or other water areas may not occupy so large a proportion of the major common open space that other open space and recreational uses cannot be adequately provided for.
- (5) Open space alterations. The continued use of common open space for the purposes contemplated in this subsection shall be assured through appropriate deed restrictions which shall include a provision that such open space use shall not be materially altered or abridged without the approval of the Village Board.
- (6) Physical improvements.

- (a) Open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved.
  - (b) The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- (7) Maintenance of open space.
  - (a) Arrangements must be made for the improvement, operation and maintenance of such common open space and facilities. The developer shall provide for and establish an organization for the ownership, operation and maintenance of common open space.
  - (b) In reviewing the organization for the ownership and maintenance of any common open space, the Planning Board shall consider, in addition to other applicable requirements of this section, the following:
    - [1] The time when the organization is to be created.
    - [2] The mandatory or automatic nature of membership in the organization by residents.
    - [3] The permanence of arrangements intended to assure continued use of lands as common open space.
    - [4] The liability of the organization for insurance, taxes and maintenance of all facilities.
    - [5] The provision for pro rata sharing of costs and assessments.
    - [6] The capacity of the organization to administer common facilities.
    - [7] The availability of the open space to residents from areas adjoining the Comprehensive Master where requested by the developer.
- (8) Public open space. The standards for the Planning Board's determination whether to recommend Village Board approval of an offer for the dedication or other disposition to the village or other public entity of public open space lands shall, without excluding any other applicable requirements of this section, include the following:
  - (a) The need for public open space in the PUD. In determining the manner of public ownership, the usage by the village outside the PUD shall be considered.
  - (b) The potential for an open space connection with other public open space areas.
  - (c) The desirability of public access due to the special physical and biological characteristics of the area which make it suitable for public open space uses.
  - (d) The desirability of public acquisition of floodways, drainage ways and areas subject to flooding for water management and recreational uses.
  - (e) Review and acceptability of covenants or similar provisions proposed for inclusion in



dedication instrument, intended to assure that public use remains consistent with the objectives of the Comprehensive Master Plan and site plan.

- T. Perimeter treatment. The design of improvements and landscaping along the boundaries of a PUD should be visually harmonious and functionally compatible with adjoining Comprehensive Masters. Extensive parking areas, service areas and other features likely to have adverse effects on surrounding property (due, e.g., to adverse views, lights, noise) shall be screened against viewing from first stories both inside and outside the district. Screening shall also be provided to protect against lights, noise or other undesirable conditions in the surroundings.
- U. Utilities. New public and private utilities and those relocated or replaced shall be entirely underground.
- V. Off-street parking and loading. The design criteria set forth in this subsection are intended to provide desirable latitude and freedom to encourage variety in the location arrangement and type of uses, to encourage convenience in accessibility to these uses through provisions of pedestrian and bicycle pathways and public transportation services and to achieve the efficient sharing of parking and loading facilities by multiple uses. Therefore, in lieu of specific minimum parking and loading requirements and other similar considerations, the following performance standards shall apply:
- (1) Parking facilities shall be landscaped and screened to minimize unsightliness and monotony of parked cars.
  - (2) Pedestrian connections between parking areas and buildings shall be along walkways to the extent necessary to assure pedestrian safety.
  - (3) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of access and shall be developed as an integral part of an overall site design.
  - (4) Any above-grade loading facility shall be screened from public view to the extent necessary to eliminate unsightliness and should be separate from private vehicles and pedestrians where feasible.
  - (5) The design of buildings and parking facilities shall take advantage of the topography of the site where appropriate to provide separate levels of access.
  - (6) Parking areas in all use areas except open space shall meet the requirements of the Village Code.
  - (7) Off-street parking and loading spaces shall be provided for all new buildings at the time of erection and for all enlargements of existing buildings and shall be maintained in usable shape and good condition.
  - (8) Off-street parking and loading spaces shall be provided so as to prevent overflow of parked or standing vehicles onto public or common vehicular or pedestrian rights-of-way.
- W. Signs.
- (1) Freestanding signs in a PUD shall be limited to traffic and pedestrian directional and control signs, street signs and signs identifying the Comprehensive Master.
  - (2) One identification sign shall be permitted for each non-residential use, identifying the use on the premises as permitted on the site plan, of not more than thirty-two (32) 20 square feet, provided said signage is either attached to the structure (but not on the roof of the structure), or as a free standing ground-attached monument sign as specified in this Code, not to exceed five (5) feet in height above grade. No freestanding pole or pylon signs shall be permitted.~~not projecting beyond~~

~~the building to which it is attached more than 12 inches and not projecting more than 10 feet in height above grade.~~

- (3) Any illuminated sign visible from any public street or from adjoining property used for residential purposes shall be so shaded, shielded, directed or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises nor the safe vision of operators of vehicles moving on public roads or highways.
- (4) Signs shall be designed as an integral part of a comprehensive site and landscape plan, which shall include a sign system specifying the general type, design, size and location of all signs and all sign controls to be instituted by the developer.

X. Enclosure and residential outside storage.

- (1) All permitted principal and accessory uses and operations which, as a result of not being enclosed, would constitute a nuisance or offense beyond the lot line or which as a result of not being enclosed would conflict with any of the specific performance standards set forth in this subsection shall be performed wholly within an enclosed building or buildings.
- (2) Outside storage or parking of commercial or recreation vehicles, camper bodies, boats and trailers on lands occupied for residential purposes shall be prohibited.

Y. Other provisions. Except for the definitions contained therein, no other procedural or substantive provision of any other section of this chapter shall apply to the establishment of or Comprehensive Master within a PUD.

CEO to do final updates for the February meeting and then can be submitted to the village board,

**Communications:**

**None**

Chairman Metz entertained a motion to adjourn the meeting. Motion was made by Esther Kibbe and seconded by Dick Kegler. All were in favor and the meeting adjourned at 8:43 PM.

The next regular Planning Board meeting will be held on Wednesday, February 21, 2018 at 7:30 PM.

Submitted By,

Sue Galbraith  
Secretary to the Village of Alden Planning Board